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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,296	10/28/2003	Brian Anthony Aaron	Aaron.B-01	4181

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EXAMINER

EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,296	Applicant(s) AARON, BRIAN ANTHONY	
	Examiner Margaret Einsmann	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The enzyme agent used and the amounts and proportions of all ingredients, critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

While applicant states that the mixture as claimed comprises an "enzyme agent" the enzyme agent described in the specification and claims does not comprise an enzyme. The examiner cannot find any place in the description and claims which tells what kind of enzyme is used or the proportion thereof. Applicant's enzyme agent comprises four ingredients, none of which is an enzyme and one of which (sodium perborate monohydrate) is a bleaching agent.

Applicant does not define the proportions of ingredients in his detergent, in his bleaching agent or in his enzyme agent. Therefore, the amount of detergent does not give the percentage of each of the ingredients comprising the detergent.; the amount of bleaching agent does not define the amount of bleach.

It appears that applicant is using commercial products. For example, applicant may be using Clorox bleach as his bleaching component, since that is the most widely used hypochlorite bleaching agent used in America. If one looks on a package of Clorox bleach one sees that there is 6% hypochlorite in that product. If applicant is using 27% Clorox, than there is only 1.52% hypochlorite in the bleaching agent component. Regarding the enzyme component, since there is no enzyme disclosed, applicant must have a mixture comprising 0% enzyme. Additionally, sodium perborate as claimed in

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the enzyme agent is a bleaching agent, not an enzyme agent, and so applicant is claiming a mixture of two bleaching components with a detergent component.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al., US 6,444,634 B1.

Mason et al disclose compositions comprising detergent components as claimed: (sodium citrate (col 22 line 19) sodium silicate (col 22 line 16), sodium carbonate (col 22 line 14), sodium sulfate (col 22 line 17) and surfactants (col 21 line 50 to col 22 line 5); sodium hypochlorite, which is equivalent to applicant's bleaching component (col 21 lines 4 and 5); and the ingredients of applicant's claimed enzyme component: sodium perborate monohydrate(see col 22 lines 46-49), STPP (col 22 line 4), magnesium sulfate (Col 22 line 18) and sodium sulfate (col 22 line 17). Note also the pretreatment compositions in example 5 column 26 which comprise all of the claimed components except hypochlorite bleaching component. It would have been obvious to a man having skill in the art at the time the invention was made to pretreat clothes with the

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pretreatment compositions of example 4 and additionally a hypochlorite bleaching component because patentee calls the compositions pretreatment compositions in col 25 and additionally, he states at col 20 line 44 that the compositions can contain an additional component, a chlorine-based bleach, naming sodium hypochlorite as a preferred chlorine containing bleach at col 21 lines 3-5. Sodium hypochlorite is the equivalent of applicant's claimed bleaching component. Applicant's process as claimed in claim 1 is a pretreatment process. Regarding the time of soaking in the composition and then rinsing, it is well known that when one bleaches a textile, the time of immersion is inverse to the concentration of the bleaching agent, since a long soak in a strong bleach is damaging to many textiles.

Minor informalities in the Specification

On page 10 third full paragraph it is unclear what applicant means by "agitation tends to further dilute the cleaning agents which are already soaked in the garment. The examiner respectfully disagrees with this statement.ⁱⁱ It is unclear how a 1-10 hour soak will do anything other than dilute the cleaning agents in the garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/12/05


Margaret Einsmann
Primary Examiner
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